REMARKS

Applicants respectfully present Claims 1, 3-18, 20-32 and 34-47 for examination in the RCE filed herewith. Claims 9, 10, 11, 26, 27, 28, 40, 41 and 42 have been amended herein to more clearly define the scope of the claimed invention. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated August 21, 2006 in the parent application.

35 U.S.C. §112

Claims 9-16, 26-31 and 40-47 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants' regard as the invention. Specifically, the Examiner points out that these claims still depend on canceled base claims (*i.e.*, Claims 2, 19 and 33 respectively). Applicants respectfully submit that Claims 9, 10, 11, 26, 27, 28, 40, 41 and 42 have been amended herein to overcome the oversight in the previous amendment and that the rejection is thereby moot. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. §112, second paragraph, rejection to Claims 9-16, 26-31 and 40-47.

35 U.S.C. §101

Claims 32-47 stand rejected under 35 U.S.C. §101 because the Examiner submits that the claimed invention is directed to non-statutory subject matter. The Examiner submits that Applicants' previous amendment of the term "medium" to read "tangible medium" is unsupported by the original specification and that the term "tangible" is not considered to exclude electro-magnetic signals, carrier waves, electrical, optical and acoustical signals. Applicants respectfully traverse the Examiner's rejection.

The Examiner states that "since applicant may give a term used in the claims a special meaning, the examiner and the public cannot determine how the term "tangible" limits the claims". Applicants strongly disagree with the Examiner's statement. Barring any special definition of the term "tangible" in the specification, the term refers to its ordinary meaning in the art. As defined in the dictionary, the term "tangible" would be

understood by those of ordinary skill in the art to include one of the following: "capable of being touched; discernible by the touch; material or substantial" (dictionary.com), "Discernible by the touch; palpable" (American Heritage Dictionary), "capable of being perceived esp. by the sense of touch" (Merriam Webster's Dictionary of Law) and "perceptible by the senses especially the sense of touch (WorldNet) (definitions retrieved from dictionary.reference.com).

Applicants therefore respectfully submit that the Examiner and public may both easily discern the meaning of the term "tangible machine accessible medium" as including any medium that is capable of being touched, *i.e.*, a physical medium. This physical medium meets all the requisites of 35 U.S.C. §101 and barring any additional support from the Examiner for this rejection, Applicants respectfully submit that Claims 32-47 are in fact statutory and proper. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. §101, rejection to Claims 32-47.

35 U.S.C. §103

Claims 1, 3-18, 20-32 and 34-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Microsoft, OnNow Power Management (hereafter "Microsoft"). Specifically, the Examiner submits that Microsoft teaches each element of independent Claims 1, 17 and 32, with the exception of "turning audible and visual indicators off in the visual off state". The Examiner suggests, however, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to turn off audible and visual indicators. Applicants' respectfully traverse the Examiner's rejection.

Again, Applicants respectfully submit that the Examiner has fundamentally misunderstood the claimed invention. The Examiner relies on Microsoft's description of the "sleep" state and "on" state to show the "visual off" and "visual on" states and then suggests that the only other element not taught by Microsoft is turning off the audible and visual indicators. Applicants respectfully submit that the "visual on" and "visual off" states simply cannot be summarily dismissed as "on" and "sleep" states. The "visual off" state, for example, as claimed herein is essentially a state that tricks a user into believing that the device is off by turning off all audio and visual indicators and any attached HIDs.

Thus, although the machine may in fact be fully functional and running at full capacity, it appears to be "off" to a user. This "visual off" state is thus significantly different than the scenario described in Microsoft which essentially describes a "low-power sleep state", *i.e.*, a state that is actively tied to the power level of the data processing device itself. In other words, according to embodiments of the present invention, the data processing device may enter into a "visual off" state and remain running at full capacity. It may, however, also run when the machine enters a lower power state. Regardless of the power level of the data processing device, it appears visually to the user as being off.

Independent Claims 1, 17 and 32 capture this invention by clearly articulating that data processing devices may be transitioned into a Visual Off state rather than being turned off, where the Visual Off state is described as a state in which all audible and visual indicators on the data processing device and any attached HIDs are turned off. It makes no reference to any power levels on the device, as does Microsoft (the "states" in Microsoft are all essentially tied to power levels on the device, *e.g.*, low power sleep state). Applicants respectfully submit that Microsoft simply does not teach the elements claimed herein, as suggested by the Examiner. In this instance, the terminology used in the claims ("visual on" and "visual off") are in fact defined to have a specific meaning, which the Examiner appears to be ignoring. Given its proper interpretation, Applicants respectfully submit that Microsoft does not teach or suggest the "visual on" and "visual off" states and as such, it simply would not have been obvious to one of ordinary skill in the art to turn off the audible and visual indicators in a "visual off" state. Applicants respectfully requests the Examiner to withdraw the rejection to Claims 1, 3-18, 20-32 and 34-47 under 35 U.S.C. §103.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 3-18, 20-32 and 34-47 are now in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: November 20, 3006

By _____
Farzad E. Amini, Reg. No. 42,261

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on November 20, 2006.

_____
Margaux Rodriguez *November 20, 2006*